

REMEDY AGAINST DITCH HOLES

SUBWAY CONTRACTORS MUST COVER 'EM AFTER 30 DAYS.

But They Don't, and Few but the Rapid Transit Engineers Knew There Was This Provision in the Contract—How Those Engineers Have Met Complaints.

Business men whose establishments have been blockaded through long weary months by the open ditches dug by the subway contractors, to whose tender mercies the Rapid Transit Commission delivered many of the principal streets, will be interested to know that, while the commission's engineers and contractors were protesting that it really couldn't be helped, the contract between the city and the Belmont-McDonald Construction Syndicate, contained this provision:

No open excavation shall be maintained in front of any property for a period greater than thirty working days, unless the consent of the owner of such property shall be filed with the board. Should it be impossible to restore the pavement within the space of thirty days, then, unless permitted by the property owner, or by special vote of the board, the contractor shall maintain a bridge or roof over such excavation, which bridge or roof shall not be subsequently removed for a period exceeding four days at any one time.

There is nothing in this provision or in subsequent clauses in the contract, limiting its operation to the sidewalk or to a part of the roadway, or anything of that kind. As engineers other than those controlled by the Rapid Transit Commission and its contractors interpret it, the clause practically provides for the adoption of the out and cover plan, wherever there was property to be injured by open cutting.

It was also the general testimony of such of those experts as were questioned about this yesterday that of the many provisions of the contract defied by the subcontractors, without rebuke either from the commission or its engineers during the building of the new line, none were more frequently or more flagrantly violated than was this regarding the covering of the ditch and its side holes.

It is, further, an open question whether any merchant whose business was injured by the disregard of this provision during the cutting of the subway, and who can prove its disregard, cannot, even at this late date, recover from the contractor through the courts, sufficient damages to recover the amount of his loss.

To take one instance: In cutting the spur of the subway from the main line, the contractors dug out a long hole between the edge of the eastern sidewalk of Park row and the nearest car tracks. Instead of covering it over after thirty days, the Degnon-McLean Company, which had this part of the work to do, built a fence around it.

That was toward the end of last year. Throughout the spring and summer the hole, bridged over in two places to permit pedestrians to cross the tracks, was left open along that side, remained open for the collection of dirt and rubbish of the street. It is still open for the greater part of its length, though the work below has long ago been completed, and the rickety fence still stands to impede traffic and to block the way to the stores and office buildings along Park row.

A SUN reporter asked several of the tenants along the Row if the property owners had consented to keeping open the ditch in front.

"Consent?" said Johnny Meehan, the beef and bean man. "Not much! You couldn't get a consent to this kind of a big rip. We can't help it, that's all."

That was the impression all along the Row until the reporter showed the clause in the contract. Everybody was then keenly interested.

"Geel!" said one man. "I wish I'd known about that three months ago. Wonder if it's too late to do anything. I'll see my lawyer to-morrow."

There are still many uncovered holes cutting down the capacity of valuable property along the line of the subway, though there are probably not so many as there were three months ago.

Attention was called to this saving clause in the contract with the Subway Construction Company, by Chief Engineer George R. Olney of the Department of Highways. Mr. Olney told a SUN reporter on Tuesday that with this as a weapon he had hastened the filling up of the hole around the Franklin statue last summer.

"I knew that the newspapers didn't stand for that hole," said Mr. Olney, "and told Parsons that if he didn't have it filled right up I'd put some reporter on to the clause. Maybe he didn't get busy."

A reporter found Chief Engineer Parsons yesterday and asked about the clause. "There is no such clause in the Rapid Transit Act," said Mr. Parsons. "The clause is in the contract, not the act." "Moreover, I am quite sure that Mr. Olney never gave that interview. That interview is made out of whole cloth. I never had such a conversation with Mr. Olney, and I am quite sure he never said these things."

"That's what I said," repeated Mr. Olney, after reading the interview. "And I am quoted quite correctly. Here is the clause. The hole was a nuisance, and that was the only way in which I could get it abated."

Mr. Parsons only shrugged his shoulders when asked what he had to say to that. "I really don't care to answer the SUN," he said.

If other city officials are to be believed this has been the attitude of the Rapid Transit officials and their contractors to all complaints. In many cases the city has practically given over control of the streets to them, and they do as they like. Promises made and conditions set down before work in the subway began haven't been worth much. That is why the sentiment has grown up that, whether the city ever gets more subways or not, there must be no more ditches at any rate.

SOUTH HAS NO CANDIDATE.

Mayor Smyth Says It Is Anything Down There to Beat Roosevelt.

BALTIMORE, Oct. 7.—When Mayor Smyth of Charleston, S. C., who is a delegate to the League of American Municipalities, was asked to-day if the South had any preference for the Presidential nomination, he said:

"I would like very much to have the pleasure of voting again for Mr. Cleveland. The people of the South have no decided preference for any candidate, so far as I am able to ascertain."

"How does Mr. Gorman stand in the South?" was asked.

"Mr. Gorman has no personal acquaintance with our people, and you know the personality of a man means a great deal with us. It is the same with Judge Gray of Delaware. The South has no candidate. It is anybody's to beat Roosevelt, who is most cordially disliked on account of his attitude on the race question. Formerly he was popular with us. When he was in Charleston during the exposition he promised me, in the presence of two other gentlemen, that no colored man would be appointed to office in our State. He had hardly returned to Washington before he did the very thing he promised he would not do."

TALE OF MURDER ON SHIPBOARD.

Steward on the Tennyson Says Fireman Was Killed and Thrown Into the Sea.

The police of the Fulton street station, Brooklyn, are interested in the story of an alleged murder on board the Brazilian steamship Tennyson on her last voyage to this port. Herbert Montell, the saloon steward, who is a prisoner in Raymond street jail awaiting trial for a felonious assault on Charles Eldred, the second steward, is their authority for the murder story.

Montell has told the police that on the last trip from Brazil one of the firemen was murdered. There was a row one night, he said, in the firemen's room and one of the firemen, who was struck in the face with a shovel of live coals, ran up the ladder to get on deck and complain to the captain. While he was still on the ladder, someone struck him twice on the head with an iron bar, killing him almost instantly. A few hours later the body was thrown overboard.

NEW HEAD POLICE DOCTOR.

Greene Appointed Him After Taking the Power From the Board of Surgeons.

Police Commissioner Greene yesterday removed Dr. Stephen S. Cook from the presidency of the Board of Police Surgeons and appointed Dr. E. T. Marsh in his place. In order to do this the Commissioner had to amend the rule whereby the Board of Surgeons elected their own chief.

Gen. Greene explained that, in view of the fact that he has the power to appoint and remove his deputies and others in the department, there is no reason why he should not have the same jurisdiction over the surgeons.

DR. RODNEY C. COOMBS SHOT.

Italian, Whose Wife Escaped From the Doctor's Sanitarium, His Assassin.

Dr. Rodney C. Coombs, who has a sanitarium in Corona, borough of Queens, was shot in the right leg yesterday by Nicholas Montana, an Italian of 55 Cheever place, Brooklyn. Montana went to the sanitarium and upbraided Dr. Coombs because Mrs. Montana had been permitted to escape from the institution a few days ago.

The doctor tried to quiet the Italian, but the latter became so enraged that he drew a revolver and fired four times. One shot took effect in the doctor's right leg. The shooting caused much excitement in the neighborhood. While the wounded physician was being cared for, Montana ran away. He was arrested by Mounted Policemen Sullivan and held to await the result of Dr. Coombs's injuries.

ELLIS ISLAND PRETTY GOOD.

Missionaries Testify Before the Roosevelt Commission.

Missionaries, agents of German, Irish and other societies, who appeared yesterday before the commission appointed by President Roosevelt to inquire into conditions at Ellis Island, declared that the administration of Commissioner Williams had been better than that of any of his predecessors, and that the immigrants while on the island were, as a rule, comfortable. There were occasional instances of immigrant badinage, and the beds, when there was a large number of immigrants detained over night, were too close together for comfort.

Agents of the big steamship lines will make some suggestions to the commission at the hearing next Wednesday.

INVESTORS CALL ON JEROME

To Compel Officers of Building-Loan Bankruptcy.

John T. Fitzgerald, who organized the members' protective league of the New York Building-Loan Bankruptcy Company, and Charles Solner, acting secretary, called yesterday on District Attorney Jerome and said that they wanted an investigation of the doings of the officers. Mr. Jerome sent the matter to Assistant District Attorney Miner, who was much impressed with the story, and will continue to investigate it to-day. The officers of the Butlerick company, couldn't get into the building when he went there with his men, and he called on the Macdonough street police to aid him. He told the police that the Butlerick company had \$500,000 invested in the building so far and they wanted possession of it.

Sergeant Schaefer and a squad of men accompanied him to the building, and on Wednesday morning they were met by Mr. Wilder's complaint against Walter Harrison, the superintendent, who was in charge of it. That ejected the construction company and the publishing firm then took charge.

Harrison was arraigned in Jefferson Market court yesterday on a charge of assault. He was represented by a lawyer and so was Mr. Wilder.

When Magistrate Pool learned why Harrison had been arrested he expressed great indignation.

"Did Mr. Wilder or his counsel have a writ of any kind when you were ejected?" asked Magistrate Pool of Harrison.

"They had no paper at all," replied Harrison.

"Then the police had no right to arrest you," said the Magistrate, discharging the prisoner.

Herbert Noble, counsel for the Butlerick company, took exception to the Magistrate's remarks. He declared the publishing company had a perfect right to enter the building and take possession of it, as the Butlerick company had not lived up to its contract in failing to complete it by Aug. 1.

After Harrison was discharged representatives of both companies conferred and settled their dispute. The Butlerick company is to continue the work and push it rapidly. As far as could be learned the Park men will go back to work to-day. The employees of Ritchie, Brown & McDonald were working on the building yesterday.

Racine Knitting Company Fails.

Racine, Wis., Oct. 7.—With liabilities of over \$350,000 and assets of about \$150,000, the Racine Knitting Company of this city, with factories at Beloit, Stevens Point and Ripon, has been forced to file a petition in bankruptcy. The creditors number 150, with claims from \$100 to \$15,000.

Judge Seaman, on petition of creditors in Milwaukee, has appointed Elbert B. Hand and Andrew Dietrich, both of Racine, as receivers. They were instructed to continue the business.

Divorce Increasing in Ohio.

CLEVELAND, Oct. 7.—Records of divorces in Cuyahoga county show five applications a day, and the court is unable to keep up with the demand. The average for a year is two divorces to every five marriages.

THE NORTH WESTERN LINE

\$33

California Oregon Washington

With similar low rates to Colorado, Utah, Wyoming, Montana and Idaho from Chicago daily beginning Sept. 15th. Daily and personally conducted excursions in tourist sleeping cars through to San Francisco, Los Angeles and Portland.

\$6.00 DOUBLE DEATH
Northwestern-Union Pacific Excursions
Write for particulars.

UNION PACIFIC OVERLAND

WORLD'S PICTORIAL LINE

During this Fall and Winter wear the genuine

Kneipp

Linen-Mesh Underwear

"Pure linen to the last thread." Linen mesh cannot properly protect the skin unless it is pure linen. KNEIPP LINEN MESH, the only brand made entirely from Irish linen, gives the fullest protection and comfort.

FOR SALE BY
Leading Haberdashers and Dry Goods Stores. Write to "Kneipp" Publicity Dept., 50 Nassau St., New York, for instructive booklet.

RIGHT TO KEEP OWNER OUT.

COPS CALLED DOWN FOR INTERFERING AT BUTTERICK'S.

Magistrate Pool Comes to the Aid of a Building Superintendent Who Would Not Be Forced Away From His Job—Trouble Patched Up—Sam Parks Case

The trouble between the Fuller Construction Company and the Butlerick Publishing Company over the new building at Spring, Vandam and Macdonough streets was adjusted yesterday. The Butlerick company owns the new building and the Fuller company is erecting it. Disputes between the companies ended on Tuesday night in a row in which the police and fifty private detectives took part. This resulted in the arrest of Walter Harrison, who is in charge of the building for the Fuller company.

There has been a great deal of trouble on this building. Sam Parks and his union started it some weeks ago when the Fuller company sublet the ornamental iron work to the firm of Ritchie, Brown & McDonald. The employees of this firm are members of the new housepainters' union, which is opposed to Parks and his methods. When the men began work they demanded that they be discharged. They were not discharged, and Parks called out his men.

When Parks returned from the iron workers' convention at Kansas City a few days ago he decided to allow some of his men to go back to work on the building. Some forty of them started to work on Tuesday.

Meantime the Butlerick company had got tired of waiting for the building to be completed, and on Tuesday they notified the Fuller people that they intended to take charge of the building themselves and see that some other construction company finished it. Thereupon the Fuller company employed a number of private detectives to help them hold on to the building.

George Wilder, the vice-president of the Butlerick company, couldn't get into the building when he went there with his men, and he called on the Macdonough street police to aid him. He told the police that the Butlerick company had \$500,000 invested in the building so far and they wanted possession of it.

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Bway at 31st

An unusual opportunity—white and fancy vests, our own make, sizes 34-48, \$3, \$4, \$5, now \$1.50.

We sell more shirts at \$1 and over than any store in town. They're our own make, that's why.

We have this week seen on sale elsewhere, at \$1, a cravat identical with one we sell at fifty cents. We buy silk by the piece and do our own manufacturing.

Smith Gray & Co

Fulton St. at Flatbush Ave. and Broadway at Bedford Ave., Brooklyn.

West 14th St.

CONPERTHWAITS

RELIABLE CARPETS

CLEARANCE SALE—912 FT. RUGS.

SPECIAL STYRNAS, \$15
(reduced from \$22.50)

AXMINSTERS, \$21
(reduced from \$27.50)

WILTON VELVETS, \$25
(reduced from \$35)

Also Special Sale of Extra Axminster Carpets, \$1.15 per yd., reduced from \$1.50. Borders to match—Special Parlor and Library designs.

REDUCED MIRRORS.

PIER AND MANTEL, \$11
(reduced from \$15)

Golden Oak and Mahogany finish frames. French bevel glass. Also Mahogany finish Open Bookcases, \$7.00, reduced from \$10. Five adjustable shelves, curtain rod. "LONG CREDIT" helps much and costs nothing.

CASH OR CREDIT

CONPERTHWAITS & CO

104, 106 and 108 West 14th St. NEAR 6TH AV.

Brooklyn Stores: Flatbush Ave. near Fulton St.

FLINT'S FINE FURNITURE

WHITE MAHOGANY,

one of the choicest woods for Bedrooms, being natural without filling. Ours resembles satinwood, being of extra fine grain, and is extremely hard and durable. Here is a suite delicately carved with wreaths and bow-knots, so very Gallic in character that it might have come straight from an old French chateau. Another inlaid with soft-toned woods and mother-of-pearl. Still another with a simple line of inlay around the large oval head and foot boards, and on bureau, dressing table, cheval-glass, etc., shows off the grain of the wood to perfection.

Not twice the price would secure finer furniture—ours is only inexpensive, because you

"BUY OF THE MAKER"

GEO. C. FLINT CO.

43, 45 and 47 WEST 23rd ST.

CARRIAGE ENTRANCE 20 WEST 24TH ST.

Factories: 505 to 515 West 23rd St.

EXCELSIOR LIQUID POLISH

A Very Superior Article FOR CLEANING AND POLISHING Sterling Silver, Plated Ware, Plate Glass Windows and Mirrors.

For Sale by

LEWIS & CONGER

130 and 132 West 42d Street, and 135 West Forty-first St., New York. Between Sixth Avenue and Broadway.

DEPARTMENTS ASK FOR MORE.

TWENTY-THREE MILLION THE ESTIMATE FOR SCHOOLS.

Dr. Lederle Wants \$507,000 More Than Last Year to Look After the Public Health, and Commissioner Monroe Asks for Nearly \$800,000 Additional.

President Lederle of the Board of Health asked the Board of Estimate yesterday for an appropriation for 1904 of \$1,631,500 as against the appropriation for this year of \$1,034,301, an increase of \$597,200. Dr. Lederle wants \$100,012 for an enlargement of his staff. Part of this money will be expended in providing for a summer course of physicians for house to house inspection in tenement districts. He wishes also to appoint more medical inspectors for the prevention of smallpox, diphtheria and other contagious diseases; more sanitary inspectors to look after the food and milk supplies, and a staff of mercantile inspectors to visit the factories and other places where children are employed. The suppression of glanders in horses is another task that Dr. Lederle will tackle.

For salary increases Dr. Lederle asks for \$10,170. He told the board that the average salary of the physicians, many of whom are specialists in contagious diseases, is only \$100 a month. Many of them have not had their salaries raised in fifteen years. The commissioner is planning to extend the system of medical examination of school children and the establishing of a corps of school nurses. A new steamboat, to cost \$50,000, he said, was necessary to carry on the work of the department properly.

Examination of children in the public schools has brought to light the fact that many thousands of them are suffering from trachoma, a contagious disease of the eyes. Last May 17,000 children were listed as having trachoma. Since the opening of the schools this fall only 9,000 children afflicted with trachoma have been discovered and in order to continue the work of restricting this disease Dr. Lederle asks for \$1,402.

Commissioner Monroe of the Department of Water Supply and Electricity, asked for \$1,108,394. The appropriation for this year was \$4,594,323. He said that he wanted for improvements in the water supply, additional lamps and lighting facilities and for increasing the force of the department because of the additional work imposed on it by the Charter.

The Board of Education asked for \$23,260,472, an increase of \$1,197,465.

SELECA

NEW COLLAR

Chairman Lummis of the finance committee said that \$200,000 will be required to provide for 62,000 new sittings in 1904. Provision has also been made in the estimate, Mr. Lummis said, for 800 new teachers next year and to increase the number of detention schools. It was also intended to open more playgrounds in the summer.

Among the other increases asked for were \$111,008 for the Department of Correction; \$177,000 for the parks of Manhattan and Richmond; \$179,905 for the parks of The Bronx, and \$237,102 for the Brooklyn parks, and Bellevue and allied hospitals, \$37,780.

The Wanamaker Store

Store Closes at 5:30

Men's Brand-New \$3 Derby Hats at \$2

The best hat-maker in America, who turns out nothing but the highest grade hats, sold to us, to straighten out his stock, a quantity of odd lots of hat bodies "in the rough"—i. e., unshaped—at a substantial reduction. These he made up for us on his latest, most desirable blocks, possessing all the style of regular \$5 hats, and made by the same skilled workmen.

Not a hat in the lot that isn't worth, on a conservative estimate, \$3.

The chance of the season to buy your new Derby Hat, in a choice of stylish blocks.

At \$2, instead of \$3 Men's Hat Store, Annex.

Time for White Shirts—

Let Us Tell You a Story

Several years ago we decided that a dollar was enough to produce a thoroughly good and fine Dress Shirt for men. Manufacturers didn't agree with us. Dollar white shirts there were, but they were not made right—too coarse, too hurriedly put together.

A dollar-and-a-half was the universal price for white shirts made as particular men wanted them—and we wouldn't have any less goodness for our Dollar Shirts.

We got the cold shoulder from all the manufacturers we approached about it—save one. He was willing to risk the venture, with us back of him.

Linen and muslins were carefully chosen; all the nice details of shirt-making were provided for; best shirt-makers did the work. Not a good point in any dollar-and-a-half shirt was missing in our dollar shirt; and at no point was the workmanship and finish one whit behind the dollar-and-a-half models. The sole difference was in the muslin, which was a few counts less fine; but a better muslin for service, as experience has abundantly proven since.

This Wanamaker Dollar Dress Shirt has never been matched in all these years. It still stands absolutely alone as a shirt value. And this year, with cottons up in price, it would be harder to match than ever; and only our long dealings and advance orders enable us to continue the full excellence of these really wonderful shirts.

If it is shirt-buying time for you, come and see

The Wanamaker Dollar Dress Shirts

Made in all the good styles that men want in shirts; various sleeve lengths; and comfortable proportions throughout the various sizes.

The same masterful endeavor produced the also unmatched

Two-for-a-Quarter Linen Collars

Linen both sides; made in the newest, most correct shapes—the full equal of the best twenty-five cent collars, at half their price—12½¢ each.

Men's Wear Section, Broadway and Ninth street.

Hallowe'en

Favors for October 31st

If you're in the country, you'll be sure to have a real Hallowe'en party, with all the country accessories. If city walls surround you, you'll probably at least try to reproduce some of the "local color" of the country at your party.

These pretty, appropriate Favors for Hallowe'en will help things along, materially:

Jack O'Lanterns, 10c, 15c, 20c and 25c.
Apples, 35c.
Pumpkins, 50c.
Pumpkin Ice-cream Cakes, 50c a dozen.
Witch Ice-cream Cakes, 50c a dozen.
Basement.

Dinner Sets—

TWO BELATED PATTERNS

Two exceedingly handsome decorations in Theodore Haviland China Dinner Sets have just drifted in from Limoges, the day after the fair—that is, a week late for the September China Sale.

One is a delicate pink-and-rose design, with the other a larger rose decoration with green foliage. But they were out their welcome before they ever arrived; hence, for quick clearance, reductions of a quarter to a third.

Forty sets in all—a rare chance.

\$45 Sets, 100 pieces, at \$30
\$50 Sets, 113 pieces, at \$35
Basement.

You Need Shoes?

We Need Shoe-Filled Space

It Will Pay You to Help Us Make It

The Basement Shoe Store has served its thousands, and served them well—saved them much money, and always supplied thoroughly good and worthy shoes.

Now building operations crowd other merchandise into the space it has occupied so long; and the shoes must get out in a jiffy—only three days remain.

Space must be made quickly, and we are offering the best bargains ever known to even this famous shoe store.

In the general hurry for space-making we offer this splendid group of fine shoes from our regular stocks—lines that we shall discontinue. It's a splendid collection—

Women's \$5 and \$6 Shoes at \$2.85

composed of these four groups:

Women's Patent Calfskin Boots; hand-turned, Louis heels; button, plain toes. The sizes, of course, are mostly in the narrow widths, but a fair supply is here. Reduced from \$6.

Women's Kidskin Button Shoes, without tips; long, plain vamps; welted and stitched soles and pretty heels; hand-finished. Were \$5.

Women's Kidskin Boots, patent leather tip; welted soles, Cuban heels. Fine dress boots on an easy last. Reduced from \$5.

Women's Black Fine-grained Kidskin Boots; slipper foxed; kid tip; hand-turned; Cuban heels; buttoned and laced; rather light and dressy. Reduced from \$5.

All Now at \$2.85 a Pair Main floor.

And here is brief summary of the rest of the day's good news:

Men's \$3 Shoes at \$1.90

Men's \$3 and \$3.50 Shoes at \$2.40

Men's \$4 Shoes at \$2.40

Men's \$4 Shoes at \$2.85

Boys' \$1.50 Shoes at \$1.10

Boys' \$1.75 Shoes at \$1.30

Boys' \$2 Shoes at \$1.50

Boys' \$2.50 Shoes at \$1.70

Boys' \$2.50 Shoes at \$1.90

Women's \$2 to \$3 Shoes at \$1

Women's \$2.50 and \$3 Shoes at \$1.30

Women's \$2.50 Shoes at \$1.50

Women's \$3 Shoes at \$1.00

Women's \$3.50 Shoes at \$1.00

Women's \$5.50 Shoes at \$2.20

Children's \$1 Shoes at 75c

Children's \$1.50 Shoes at \$1

Children's \$1.50 Shoes at \$1.20

Children's \$1.75 Shoes at \$1.40

Basement.

JOHN WANAMAKER

Formerly A. T. Stewart & Co. Broadway, 4th Ave., 9th and 10th Sts.